

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DURRELL ANTHONY PUCKETT,

Plaintiff,

v.

BARAONA, T. CAMPBELL,
HERNANDEZ and WHITE,

Defendants.

Case No. 1:23-cv-00054-HBK (PC)

ORDER DENYING PLAINTIFF’S MOTION
FOR DEFAULT JUDGMENT

(Doc. No. 109)


Pending before the Court is Plaintiff’s motion for default judgment filed December 6, 2024. (Doc. No. 109, “Motion”). Plaintiff’s Motion, which comprises a single paragraph, requests the Court to enter a default judgment because Plaintiff claims he has provided “actuality of evidence” and demands damages. (*Id.*). Defendants filed an Opposition on December 27, 2024. (Doc. No. 114). As more fully set forth below, the Court denies the Motion.

The entry of default by the Clerk is a prerequisite for an entry of judgment upon that default. Fed. R. Civ. P. 55(b). Entry of default by the Clerk of Court is appropriate as to any party against whom a judgment for affirmative relief is sought that has failed to plead or otherwise defend as provided by the Federal Rules of Civil Procedure and where that failure is shown by affidavit or otherwise. *See* Fed. R. Civ. P. 55(a). Procedurally, no default was entered by the Clerk in this case. *See* docket. Thus, no default judgment may be entered. Further, Defendants have timely responded to Plaintiff’s operative complaint and defended this action.

1 Accordingly, it is hereby **ORDERED**:

2 Plaintiff's motion for default judgment (Doc. No. 109) is DENIED.

3
4 Dated: December 30, 2024


HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE